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No. 10-77

U.S.
AUG 12 2010
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In The
# Supreme Court of the United States

MICHAEL WILLIAMSON,

*Petitioner,*

v.

ADVENTIST HEALTH SYSTEM/SUNBELT, INC., SOUTHWEST VOLUSIA HEALTHCARE CORPORATION d/b/a FLORIDA HOSPITAL FISH MEMORIAL, MEMORIAL HEALTH SYSTEMS, INC. d/b/a FLORIDA HOSPITAL – OCEANSIDE, and MEDICAL STAFFING NETWORK, INC.,

*Respondents.*

**On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Eleventh Circuit**

## RESPONDENT MEDICAL STAFFING NETWORK, INC.'S BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI

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## CORPORATE DISCLOSURE STATEMENT

Pursuant to Sup. Ct. R. 29.6, Respondent Medical Staffing Network, Inc. states that it is a publicly traded company (stock "ticker" symbol MSNW). Respondent further states that Medical Staffing Holdings, LLC and Medical Staffing Network Holdings, Inc. are parent companies of Respondent.

## STATUTORY PROVISIONS INVOLVED

**Title 11 United States Code, Section 382. Automatic Stay.**

(a) Except as provided in subsection (b) of this section, a petition filed under section 301, 302, or 303 of this title, or an application filed under section 5(a)(3) of the Securities Investor Protection Act of 1970, operates as a stay, applicable to all entities, of –

(1) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title;

(2) the enforcement, against the debtor or against property of the estate, of a judgment obtained before the commencement of the case under this title;

(3) any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate;

(4) any act to create, perfect, or enforce any lien against property of the estate;

(5) any act to create, perfect, or enforce against property of the debtor any lien to the extent that such lien secures a claim that arose before the commencement of the case under this title;

(6) any act to collect, assess, or recover a claim against the debtor that arose before the commencement of the case under this title;

(7) the setoff of any debt owing to the debtor that arose before the commencement of the case under this title against any claim against the debtor; and

(8) the commencement or continuation of a proceeding before the United States Tax Court concerning a corporate debtor's tax liability for a taxable period the bankruptcy court may determine or concerning the tax liability of a debtor who is an individual for a taxable period ending before the date of the order for relief under this title.

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## ARGUMENT

### I. This Matter Must be Stayed as to Respondent Medical Staffing Network, Inc. Pursuant to the Bankruptcy Code's Automatic Stay Provision.

On July 2, 2010 (the "Petition Date"), Medical Staffing Network, Inc. (the "Debtor") filed a Voluntary Chapter 11 Petition in the United States Bankruptcy Court for the Southern District of Florida, under Case No. 10-29101-BKC-EPK. By virtue of the bankruptcy filing, the Debtor's property is subject to the jurisdiction of the United States Bankruptcy Court for the Southern District of Florida.

Pursuant to § 362 of Title 11 of the United States Code (the "Bankruptcy Code"), an automatic stay is in effect which enjoins, *inter alia*, the prosecution of the above captioned case against the Debtor. The bankruptcy proceeding has not been dismissed.

## II. The Court Should Decline to Grant Certiorari for the Reasons Set Forth in Co-Respondents' Brief.

Should this matter not be stayed for any reason with respect to Respondent Medical Staffing Network, Inc., it respectfully adopts and incorporates by reference herein the argument set forth in the section titled "Reasons For Denying The Petition" in the brief submitted by its co-Respondents, Adventist Health System/Sunbelt, Inc., Southwest Volusia Healthcare Corporation d/b/a Florida Hospital Fish Memorial, and Memorial Health Systems, Inc. d/b/a Florida Hospital – Oceanside.

## CONCLUSION

Respondent, Medical Staffing Network, Inc., respectfully requests that this Honorable Court stay all proceedings against Medical Staffing Network, Inc. or, alternatively, that it deny certiorari review of this case in its entirety.

Respectfully submitted,

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